

WHY THE DRAFT HAS PARTIALLY FAILED.

The almost total failure of the draft in New England is generally felt by the supporters of the war in that quarter to call for explanation. Some weeks ago, when the list of persons in Massachusetts who were exempted for alleged "physical disability" had already grown very large, and when the contingent of "recruits for the army" promised to be rather small in the Bay State, the Boston Daily Advertiser thought it timely to remind the public of the "understood fact that there is in every community a vastly greater proportion of physical un-soundness than any ordinary observer can realize." This understood fact was made very clear as regards the community to which the Advertiser more particularly referred.

Now that the returns of the provost marshals charged with the execution of the enrollment law are nearly complete, and when the quota of troops secured by its enforcement is found to be even more paltry than any body had supposed, our esteemed contemporary seems to think that a further explanation is necessary, and gives it in the following terms:

"Every obstacle that party hostility, prejudice, half-concealed sympathy with the foe, disgust with the cause, hatred of the men in whose hands it is placed, or sympathy with violence, to class jealousy, and to personal desire to escape the service of the country, could throw in the way of the Government, it has had to surmount, and it is not surprising that the result should be that a law, which was approved by the public judgment at its passage, and which was to be enforced with the same respect for its policy or practical advantage by a large part of the community. But, although that party spirit which was willing to risk every thing in order to embarrass the execution of this law, is responsible for much, indeed for the greater part of the difficulties which have beset the trial of the new system, it is due to truth that we should say that a share of the responsibility must fall in another quarter. The War Department has seemed to suppose that it could afford to furnish to opponents of the Government some opportunity at every turn to find fault with its policy, and that it could safely lead itself with every inconvenience and expense with an ordinary prudent management of the delicate matters entrusted to it. The execution of the law was undertaken without any settled plan of operations, without foresight of difficulties, without preparation for possible trouble even in such a city as New York, without care in the selection of subordinate officials, and without an effort at a judicious and consistent interpretation of the law. We need not remind our readers how heavy has been the burden thus laid upon itself by the Department, nor how abundant have been the arguments, protests, and objections to mischief on which an eager opposition was ready to lay hold. Thus has the law failed of that effective support from its friends which might have counteracted in a measure the efforts of its enemies; and thus has a great system, which goes far to insure our national safety, been brought before the country in its first trial with such doubtful advantage that men now doubtfully discuss the chances of any second resort to its aid."

We entirely concur with the Advertiser in these reflections. The political resistance to this law was, in many cases, pushed greatly beyond the limits necessary for the due development of a loyal opposition to any particular measure of policy deemed to be injudicious. And in so saying, we do not direct our remarks to the "mob resistance" of which its execution was made the occasion, (for this nobody can excuse or palliate); but we mean to say that many opponents of the Administration allowed their partisan antipathies to control their interpretation of the law in such a way as to procure for it an odium to which it was not entitled by either its spirit or its letter.

The mistake made by the War Department in initiating the preliminary measures for the enforcement of the law consisted in the fact that nearly all the earlier regulations were conceived in a spirit of rigor not sustained by the law, and which were pronounced untenable by the proper authority in the War Department so soon as the public sense of its injustice had called attention to them. But in this matter, as indeed in all matters, it was very important to begin right; and though the Secretary of War sought, by his frequent revisions of the regulations, to make amends for the errors that had been inadvertently committed, the law, commencing under such inauspicious omens, failed, as the Advertiser says, of that effective support from its friends which might have counteracted, in a measure, the efforts of its enemies."

In this respect, however, we are glad to say that the last end of the law has been better than the rest; for the latest regulations of the Provost Marshal General have all been conceived in a spirit of equity, not to say beneficence—a fact which it gives us the more pleasure to acknowledge, because candid minds will find in them the proof that whatever mistakes may have been made at any time in the administration of the statute, they proceeded from inadvertence, and not from a spirit of military oppression.

THE MARYLAND GRIEVANCE SUPPRESSED.

It gives us great pleasure to learn that the President last week issued orders to put a stop to the abduction of negro servants in Maryland, which has been going on for some weeks past, in the Eastern Shore counties, by soldiers, both black and white, it is said, under orders from the Colonel of the colored regiment, in Baltimore or its neighborhood. We could not suppose that the President would tolerate such an outrage on the laws and rights of property of the citizens of a loyal State, and we have no doubt that he applied the corrective as soon as he was authentically informed of the gross wrong, and which was personally brought to his notice, we understand, by the Governor of the State and her Senators in Congress. The President, rightly deeming it as much his duty to see that laws are not violated as to see them faithfully executed, promptly gave the order which we announce above. We trust that this act of justice on the part of our excellent President will not draw upon him as much obloquy as has been visited on our humble heads for daring to remonstrate against the outrage which he has seen fit to rebuke and repress; but if it does, we hope he will care as little for it as we have done.

How those unfortunate planters who have been deprived of their slaves, and nearly ruined by this high-handed stretch of military power, are to be indemnified, we do not know. We know that when an invading foreign enemy, in the war of 1812-15, carried off some hundreds of negroes from plantations on different parts of our Southern coast, our Government demanded compensation for every negro thus carried off, and the British Government honorably consented to insert in the treaty of peace an indemnity of the amount of more than a million of dollars, which was subsequently awarded by a commission and paid to the owners. We have never been slow in exalting justice for other people; we are sorry to say that we have not always been as prompt in doing justice to our own.

"A CRUCIAL TEST"

We find the following paragraph in the last weekly number of the New York Independent, an able political paper of the Congressional Church: "The National Intelligencer steadily argues in favor of the retention of slavery in the United States. It is opposed to the enlistment of negro troops in Maryland or elsewhere. It desires the restoration of Louisiana as a Slave State. It desires that the proclamation of emancipation should be considered anti-constitutional, and should be made inoperative. It is in favor of the 'conservative' Government of Missouri. And so forth. Now, without this time discussing technicalities or forms, we touch the ethical heart of the question by one interrogatory: Is the National Intelligencer glad that slavery in the United States seems likely to be destroyed? Or, is it sorry?"

As the Independent is the same paper which a week or two ago represented the National Intelligencer as "striving to keep life in the inhuman system of Southern slavery," because, as was affirmed, we "industriously occupied ourselves in lauding the beauties of an amnesty and of magnanimity and kindness to white men," when, in fact, the only single reference we had ever made to an "amnesty" was to express the belief that the time had not come for its promulgation, we should perhaps, in simple self-respect, excuse ourselves from responding to a political journal which is not yet far enough advanced in ethics to be aware that there is a commandment which says, "Thou shalt not bear false witness against thy neighbor." But, waiving rejoinder of this kind, we have simply to say that the Independent has read our columns to very little purpose if it finds any such crucial test as it indicates necessary in our case to touch "the ethical heart" of the question it propounds. No later than the 17th ultimo we said:

"We certainly wish that all men could be free just as sincerely as we wish that all men might be free. Indeed, by partaking of the spirit of him who came into the world to seek and to save that which was lost, we would not shrink from a war for the purpose of making men Christians; and just as little, in the war for the Constitution and the Union—a war which is lawful and right only so far as it is a war for the Constitution and the Union—are we willing to bring upon ourselves the guilt of murder by waging war for what, as we conceive both our political and our moral duty, we have no right to wage war—the emancipation of slaves."

In the same number of the Independent containing the "interrogatory" addressed to this paper we find the following selection quoted from Montesquieu's *Spirit of Laws*:

"In Governments, that is, in societies created by laws, liberty can consist only in the power of doing what we ought to do, and in not being constrained to do what we ought not to do."

We must have continually present to our minds the difference between independence and liberty. Liberty is a right of doing whatever the laws permit; and if a citizen could do what they forbid, he would be no longer possessed of liberty, because all his fellow-citizens would have the same power."

The same great primary truth in political ethics and practical government is forcibly inculcated by Dr. FRANCIS LIEBER, an authority which the Independent will not be slow to acknowledge, when, in his excellent treatise on Civil Liberty, he says: "It sometimes happens that arbitrary power or centralization tends itself to popular favor by showing that it intends to substitute a democratic equality for oligarchic or oppressive unjust institutions, and the liberal principle may seem to be on the side of the leveling ruler. This was doubtless the case when in the sixteenth and seventeenth centuries the power of the crown made itself independent on the continent of Europe. Instead of arbitrary institutions, or of substituting new ones, the Government leveled them to the ground, and that unhappy centralization was the consequence which now draws every attempt at liberty back into its vortex. At other times, Monarchs or Governments disguise their plans to destroy liberty in the garb of liberty itself. Thus James II. endeavored to break through the restraints of the Constitution, or perhaps ultimately to establish the Catholic religion in England, by proclaiming liberty of conscience for all, against the established Church. Austria at one time urged measures apparently liberal for the present against the Gallician nobles. In such cases, Governments are always sure to find numerous persons that do not look beyond the single measure, nor to the means by which it is carried out; yet the legitimacy and constitutionality of these means are of great and frequently of great importance than the measure itself. Even historians are frequently captivated by the apparently liberal character of a single measure, forgetting that the dikes of an institutional Government once being broken through, the whole country may soon be flooded by an irresistible tide of arbitrary power. We have a parallel in the criminal trial, in which the question how we arrive at the truth is of equal importance with the object of arriving at truth. *Nullem bonum nisi bene.*"

This is our doctrine. *Nullem bonum nisi bene.* We are very far, in any thing that we say about "the enlistment of negro troops in Maryland," the "Proclamation of Freedom," or the "Conservative Government of Missouri," from wishing to "keep life in the inhuman system of Southern slavery." But we say what we say about these measures because we wish "to keep life" in the Constitution and Laws which make us a free and organized people, and because we do not forget that when the "dykes of an institutional Government are once broken through, the whole country may soon be flooded by an irresistible tide of arbitrary power."

We think, with Montesquieu, as quoted by our contemporary, that "liberty can consist only in the power of doing what we ought to do," and, in the sphere of civil action, the good citizen should not will to do any thing which he believes in his conscience to be contrary to the Constitution and Laws, as well as injuries to the moral and material interests of the State. We think with Dr. Lieber that when "arbitrary power or centralism recommends itself to popular favor by showing that it intends to substitute a democratic equality for oligarchic or oppressive unjust institutions," the legality and constitutionality of the means by which any liberalizing measure is to be carried out "are of great, and frequently of greater importance than the measure itself," notwithstanding the fact, as he truly says, that "in such cases Governments are always sure to find numerous persons that do not look beyond the single measure nor to the means by which it is carried out." For ourselves, we abhor the maxim that the end justifies the means, or that Governments, any more than individuals, may do evil that good may come. And we suppose the Independent will not dispute the general soundness of this ethical precept. We take it for granted that if it regarded the measures it specifies in the same light that we do, it would treat them as we do, without conceiving that it thereby fell under the suspicion of following any other than its conscientious convictions of public duty. It is easy to impute motives, much easier than to answer the arguments, or remove the candid objections of an opponent, but we have never observed that much good was done by such gratuitous imputations, which may as well spring from an evil mind in those who use them as detect its presence in others.

When the President first proposed his beneficent scheme for compensated emancipation in the States we gave it our instant and our zealous support. When in his last annual message to Congress he occupied the greater part of it in re-emphasizing and expounding this plan for the purpose of "securing peace," and at the same time "saving the Union,"

we, almost alone among our contemporaries, continued, down to the very close of the session, to urge its adoption by Congress. Did this look like striving to "keep life in Southern slavery?" The President earnestly pressed his plan on the consideration of Congress. He said:

"It is doubted, then, that the plan I propose, if adopted, would shorten the war, and thus lessen its expenditure of money and of blood? Is it doubted that it would restore the national authority and national prosperity, and perpetuate both indefinitely?"

Yet the Independent gave it no support. The impetuosity with which the President urged it rather elicited from our contemporary sneers of ill-disguised contempt at a proposition which smacked of compromising, when it, as a Christian journal, thought only of fighting.

The President urged the scheme by virtue of the following considerations, among others adduced in his last annual message:

"Doubtless some of those who are to pay and not to receive will object. Yet the measure is both just and economical. In a certain sense, the liberation of slaves is the destruction of property—property acquired by descent or by purchase, the same as any other property. It is no less true for having been often said, that the people of the South are not more responsible for the original introduction of this property than are the people of the North; and when it is remembered how unhesitatingly we all use cotton and sugar, and share the profits of dealing in them, it may not be quite safe to say that the South has been more responsible than the North for its continuance. If, then, for a common object this property is to be sacrificed, it is not just that it be done at a common charge."

It is quite true that the President's plan was open to objection on this ground from those who under it would "have to pay and not to receive," and this circumstance, we suppose, accounts for the singular fact, that, while the President had friends enough in the last Congress to pass confiscation acts and emancipation bills over all opposition, he had not friends enough to procure at their hands the adoption of a policy which he earnestly commended to them as something better than force alone. To this effect he said:

"This plan is recommended as a means, not in exclusion of, but in addition to, all others for restoring and preserving the national authority throughout the Union. The subject is presented exclusively in its economical aspect. The plan would, I am confident, secure peace more rapidly, and maintain it more permanently, than could be done by force alone; while all it would cost, considering amount, and manner of payment, and times of payment, would be easier paid than will be the additional cost of the war, if we rely solely upon force. It is much—very much—that it would cost no blood at all."

"Doubtless some of those who are to pay," says the President, "and not to receive will object." With him "it was much, very much, that his plan would cost no blood at all." We are not apprized that this consideration availed to procure for it any favor in the eyes of philanthropic journals like the Independent. And it is in view of this manifest fact, characteristic of the class to which it belongs, that we propose, in conclusion, "dismissing technicalities and forms," to "touch not only the ethical heart of the question," but to lay our finger on the "pocket nerve" of our contemporary, while we propound to its conductors a single "interrogatory": *You profess to be very sorry for the slave. How much have you been sorry; that is, how many slaves are free to-day because their emancipation has cost you money?*

As we said a few days ago, replying to some ingenious imputations of our amiable contemporary, the New York Tribune, "it is very easy to be generous and philanthropic at other people's expense, but we can tell our contemporary that the publishers of the National Intelligencer have emancipated more slaves, at their own cost and out of their own pockets, long before the present agitation, than all the abolitionists put together between the Potomac and the Penobscot."

We hope the Independent will admit that our interrogatory "touches the ethical heart of the question;" for as faith without works is dead, so we hold that "philanthropy" and "love of freedom," when professed by men of means, but always without any particular sacrifice of dollars, is little better than sounding brass and a tinkling cymbal.

THE HABEAS CORPUS AND ITS SUSPENSION.

Our readers will remember that the section of the act of Congress under which the President issued his last proclamation suspending the privilege of the writ of habeas corpus in certain cases reads as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, during the present rebellion, the President of the United States, whenever, in his judgment, the public safety may require it, is authorized to suspend the privilege of the writ of habeas corpus in any case throughout the United States or any part thereof. And whenever and wherever the said privilege shall be suspended as aforesaid, no military or other officer shall be compelled, in answer to any writ of habeas corpus, to return the body of any person or persons detained by him by authority of the President; but upon the certificate, under oath, of the officer having charge of any one so detained that such person is detained by him as a prisoner under authority of the President, further proceedings under the writ of habeas corpus will be suspended by the judge or court having issued the said writ, so long as said suspension by the President shall remain in force and said rebellion continue."

We have already explained that this act of Congress, as we understood it at the time of its passage, and as we still construe its text, was intended to cover the case only of persons who are held "as prisoners" under the President's authority, and who are charged, as appears from subsequent sections, with disloyal designs or practices. On this supposition its terms and provisions relate only to cases where the officer having charge of the *detenu* can certify that he is a "prisoner" held by authority of the President. This will cover prisoners of war, spies, and aiders and abettors of the enemy, but not officers, soldiers, or seamen. These persons, it seemed to us, cannot be regarded as "prisoners." The minor improperly enlisted and the man illegally drafted, who may seek the privilege of the writ, are not "prisoners," cannot be certified as such by the officer under whom they serve, and do not come within the terms of the act of Congress as we understand it. And, therefore, we thought it proper to express our opinion that, so far as the proclamation undertakes to suspend the privilege of the writ as to officers, soldiers, or seamen enrolled or drafted in the service of the United States, it exceeds the authority granted by the act of Congress.

Since we gave expression to this opinion the subject has been made a matter of judicial decision by Judge Sprague, of the United States District Court sitting in Boston—a Judge whose opinion, as is well said by a Boston contemporary, has long been regarded by the courts and the bar of the United States with a respect which is not measured by the importance of the tribunal in which he sits. We give elsewhere so much of his opinion as

covers this branch of the argument we made against the President's proclamation, and we do so with the greater cheerfulness because this eminent jurist sustains the authority of the President, under the statute cited, to suspend the privilege of the writ with regard to officers, soldiers, and seamen, equally with persons arrested for disloyal designs or practices.

It is obvious that the determination of this question must turn on the logical significance and collection which shall be given to the latter clause of the section above cited from the act of March 3d, 1863. If this clause is not *in pari materia* with the former and meant to be definitive of the phrase "any case," contained in the former, it is obvious that the interpretation of Judge Sprague is as sound and conclusive on the grounds of legal exegesis as it is superior in the weight of authority derived from his name. But if the two clauses are to be construed jointly and not severally; if the authorization to suspend the privilege of the writ in "any case" is limited by the provision of the second clause, that "wherever and whenever the said privilege shall be suspended as aforesaid," (that is, "in any case throughout the United States, or any part thereof,") the military or other officer shall make return that the person detained by him "is detained as a prisoner under authority of the United States," then it follows that the interpretation of Judge Sprague would seem to be hardly tenable. And if the two clauses are not to be construed as co-extensive and as mutually explanatory of each other's purport, we are at some loss to conceive why it was deemed necessary to prescribe a particular kind of return for a special class of cases. If it had been meant to authorize the suspension of the privilege of the writ in "any case," without regard to the limitation expressed in the second clause, it seems to us that general and not special terms would have been used in describing the return that was to be made by the military or other officer having "any person or persons in charge under authority of the President." Why authorize a general suspension in "any case" and then immediately proceed to define the particular answer that shall be made "wherever and whenever" the writ is so suspended, unless it was meant to signify that the suspension was general only as to the class of cases in which such a return could be made? But we ask these questions merely for the purpose of developing the logical relations of the topic, and not at all of controverting the arguments of the learned Judge.

The question is now *res adjudicata*, and with our habitual respect for judicial decisions, we accept and defend all laws as they are expounded by the courts, reserving the right of private judgment for the formation of opinions as to the true meaning of any statute, but in matters of law receiving the actual interpretations of the judiciary as a practical rule of life within the sphere of civil duty to which they relate.

THE NORTHERN ALLIES OF SECESSION.

We have already shown by the most incontrovertible evidence that the men who hold the revolutionary doctrines expounded by Mr. Solicitor Whiting, in regard to the constitutional relations of the so-called Seceded States, are the political adversaries of the President in a matter which pertains to the fundamental policy of the Administration, relating as it does to the very object and end of the war.

We have shown by the testimony of a member of Mr. Lincoln's Cabinet that all who espouse these radical doctrines are, in his opinion, "aiders and abettors of the Confederates," whether they be in private station or in public place. If these men are the "aiders and abettors of the Confederates," we should expect not only to find them using the political dialect of the secessionists, but actually extorting from the latter a recognition of the substantial identity which exists between the principles of the Northern and Southern disunionists, however opposite may be their animating motives and ulterior aims. Accordingly we find these *a priori* expectations fully justified by the development of opinion passing before the eyes of the public. As a simple illustration, typical of the class for which it speaks, we cite the following defence which the Chicago Tribune makes in behalf of the validity of the secession ordinances passed by the enemies of the Union in the South. It says in its number of the 3d instant:

"It is often said it will not do to admit that the rebel States have seceded from the Union, because by so doing you admit that States can secede; whereas the act of secession is unconstitutional, therefore null and void, and no act at all. And however solemnly and formally any rebel State may have passed its act of secession, it has really accomplished nothing whatever to change its condition or status as a State still within the Union. The inference made by those who maintain this argument is, that the Seceded States, being still within the Union, retain all their political rights and powers, and can be deprived of none of the franchises or privileges which they possessed before the outbreak of the civil war, and they are therefore to be treated as if they were still within the Union. The object, plan to it, is to shield the States against any action of the National Government, or any course of policy which might conflict with supposed State interest or opinion. We could never feel the force of this kind of reasoning, and the closer we examine the more utterly illogical and absurd it becomes."

"If the States in the South have not seceded, then a State can perform no act whatever. A State can by no possibility do any thing more really than they seceded. It is not done with the king must not be charged with it; whereas this asserts that there is no crime or guilt; no State has done wrong; in fact no act whatever has been done, only just nothing at all."

"As to what may be the results and consequences of an act of secession, it is not the business of the editors of the State, and its relations to the other States and the Union; in what mode or on what conditions it may be permitted to resume its former equal place in the Union; or through what purgation it may be made to pass before it can be deemed of the full crimes done in its days of rebellion, only the king must not be charged with it; whereas this asserts that there is no crime or guilt; no State has done wrong; in fact no act whatever has been done, only just nothing at all."

Here it will be seen that the Northern advocates of the revolutionary doctrine of secession entirely concurs with the Southern disunionist in point of fact. The so-called Seceded States are equally, in the eyes of one and of the other, "out of the Union." The only difference between them is that the Northern secessionist sees in the act a crime against the Federal Government, while the Southern secessionist professes to see in it the legitimate exercise of a rightful authority on the part of the seced-

ing States. But the result of the act, whether regarded as a crime or as the exercise of a right, is the same, according to the logic of the Chicago Tribune. The so-called Seceded States are "out of the Union." "If they have not seceded, then a State can perform no act whatever." That is, the criminal proceedings carried on by certain disunion agitators, in the assumed name and by the pretended authority of the States, are valid in point of fact and law, though, in the eye of the Constitution, the whole proceedings are null and void *ab initio*. Such is the lame logic of the Northern aiders and abettors of the Confederates.

It must be obvious to the least discerning mind that those in the North who thus "aid and abet" the cause of the Southern insurgents under such theoretical difficulties are allies whose co-operation should lay the latter under obligations of gratitude, and even procure a recognition of the substantial unity which exists between the theory and motives of the two revolutionary doctrines. And the evidence of such a sympathy on the part of the Southern with their Northern coadjutors in the work of disavowing the bonds of union between the alienated sections is not wanting. We all know that the exposition of Mr. Solicitor Whiting was received by the Northern partisans of the revolutionary principles it inculcates as a fair statement of their theory, with all its logical antecedents and practical consequences. Mr. Whiting admitted that his theory made any restoration of the Union impossible except that which was the immediate result of military subjection. Regarding all the people in the South as public enemies, (except the negroes, who, by some hocus-focus of the Northern secession logic, are at once "public enemies," and "loyalists of the Government,") and declaring that all State lines in the insurgent district have been obliterated by the acts of secession and by the "territorial civil war" that has ensued, this expositor of these revolutionary ideas clearly perceives that they leave no room for any pacification in the Southern States proceeding from the voluntary co-operation of any portion of the Southern people. To this effect he says:

"As the success of the Union cause shall become more certain and apparent to the enemy in various localities, they will lay down arms and cease fighting. Their bitter and deep-rooted hatred of the Government and of all Northern men who will aid its restoration shall be so intense that they will still remain interwoven in every fibre of their hearts, and will be made, if possible, more intense by the humiliation of conquest and subjection. The foot of the conqueror planted upon their proud necks will not sweeten their tempers, and their defiant and treacherous nature will still seek to revenge itself in murders, assassinations, and all unbridled methods of venting a spirit which they dare not manifest by open war, and in driving out of their borders all loyal men. To suppose that a Union sentiment will remain in any considerable number of people among a people so long estrained and nursed, and made every sacrifice to destroy the Union indicates dishonesty, insanity, or feebleness of intellect."

Now, it is clear that any theory of action which leads to such results is precisely the theory which should commend itself to sincere disunionists at the South. Whatever policy crushes out the Union sentiment so effectually that it indicates "dishonesty, insanity, or debility of intellect" to suppose that its consummation would leave "any considerable number of Union men" at the South, is precisely the policy which the Southern conspirator would be likely to endorse. And how perfectly this antecedent probability is confirmed by the actual fact in the case every reader can perceive in the following comments, made by the Richmond Whig on the letter of Mr. Whiting and on the policy it develops:

"Certain rhetorical phrases intended to convey an idea of what would be the condition of the people of these Southern States, if 'every man of all Southern men were loyal and still remain interwoven in every fibre of their hearts, and will be made, if possible, more intense by the humiliation of conquest and subjection.' The foot of the conqueror planted upon their proud necks will not sweeten their tempers, and their defiant and treacherous nature will still seek to revenge itself in murders, assassinations, and all unbridled methods of venting a spirit which they dare not manifest by open war, and in driving out of their borders all loyal men. To suppose that a Union sentiment will remain in any considerable number of people among a people so long estrained and nursed, and made every sacrifice to destroy the Union indicates dishonesty, insanity, or feebleness of intellect."

These are some of the necessary inferences of our subjugation pointed out by Gen. Hovey, and recognized by ourselves to be necessary. What would become of the consequences of this condition of affairs? Being outlawed, we could not seek protection of the law in yielding to the unconstitutional impulses of humanity. Could we claim any roof as our own? Not if it were wanted by one of our masters. Could we make bread for those who loved us, and had been accustomed to lean on us for support? It is impossible to imagine how. Except death, self-inflicted and suffering with us to the relief and sneller of the grave all that we were willing to leave exposed to the horrors of such a life, only two courses would remain—to take to the woods and wilderness like savages, and there fight against hunger and cold as long as we could, or to become the willing, humble, obedient slaves and drudges of the conquering race, and thus to be valued as slaves, to win something from interlarded cruelty and bounty. Is this picture overdrawn? We think not. It is a terrible truth that we are fighting for all that makes life desirable, and that it would be better, infinitely better, for us to be exterminated than to be conquered."

RESULTS OF THE DRAFT.

The result of the draft in the tenth Congressional district of Massachusetts is as follows:

Number drawn	2,335
Exempted for various causes	2,176
Paid commutation	682
Substitutes accepted	51
Compulsory cases, as non-residents	81
Untraced men died in barracks	1
Cases under consideration	30
Failed to report	267

COTTON IN KANSAS.

The Kansas cotton crop has been a complete success, and it is no longer doubtful that our climate and soil are such that cotton can be profitably raised here. The green-seed cotton has been successful in almost every instance, while the varieties sent from Washington and from down the Mississippi have invariably failed. The green seed cotton is the kind raised in Maryland and Kentucky, and it has never failed before the six years that it has been tried in this State. Even in 1860 this cotton matured fully. The cotton raised here this year is a very superior quality. Judge Bailey and other well known agriculturists are completely satisfied with their success in raising cotton.—*Lawrenceville Conservative.*

BREAGENTS IN MISSOURI.—As a consequence of protracted civil war, brigades have sprung up in Missouri in great numbers, and these grow about plundering at will in some districts of the State. In the depopulated border counties these pillagers came in and made spoil of the property left behind.

FROM TENNESSEE.

LOUISVILLE, OCTOBER 6.—The Journal has a despatch from Knoxville, which is considered entirely trustworthy that Gen. Burnside held the country south from Knoxville to Cashtown, on the Hiwassee river and the Western and Atlantic railroads, and only twenty-five miles distant from Kingston, the junction of the West and Atlantic and Rome railroads, and east of Knoxville, as far as Greenville, on the East Tennessee and Virginia railroad. He also possesses all the passes into North Carolina. His right wing is in communication with Gen. Rosecrans, and his position all that could be desired. His army is in the best health and spirits.

CINCINNATI, OCTOBER 6.—A special despatch to the Commercial from Knoxville dated the 5th, says: "Our forces below have penetrated to Hiwassee river, the enemy retreating. The rebels have also fallen back above, Col. Carter being beyond Greenville to-night."

[Greenville is the capital of Green county, Tennessee. It is two hundred and fifty miles east of Nashville, and sixty-six northeast of Knoxville, and is on the line of the East Tennessee and Virginia railroad.]

NEW YORK, OCTOBER 7.—The Herald's special Nashville despatch of yesterday says: "Every thing from the army is of a highly encouraging character. The railroad and telegraph lines are not materially injured, and the former will be open by to-morrow night. The design of the rebel raid was to prevent reinforcements, but it has signally failed. A small party of rebels crossed the pike near Murfreesboro' this morning, but Wilder's Union cavalry forced them to retreat in short order. Col. McCook, in his recent raid, took one colonel, two majors, nine lieutenants, and eighty-seven private prisoners."

LATEST FROM CHARLESTON.

By arrivals at New York from Charleston bar we have advised to the 3d instant. It was currently reported that Gen. Gilmore's headquarters have been removed from Morris to Folly Island, and that the move of the troops and war material would soon follow. The change was simply a measure of convenience in consequence of the washing away of the beach on Morris Island, but sanitary reasons would ultimately have led to the step.

The recent firing from Gen. Gilmore's batteries, of which we have received news from rebel sources, was directed almost exclusively against the efforts that were making, and which the rebels do not disclose, to erect new batteries in the ruins of Fort Sumter. It appears that our reconnoitering boats, which pass near the walls in the night, discovered that the garrison was conducting extensive operations; and the indications were that the rebels, who were working in large numbers, would erect fire-proof batteries inside the ruins, with the intention of using them when the works should be sufficiently advanced to justify the removal of the broken walls and debris which protected the workmen and concealed their operations from view. The rapid and heavy firing of our guns is expected not only to stop this work, but to render the rebel occupation of Sumter precarious, if not impossible.

Gen. Gilmore's operations on Morris Island are actively prosecuted. The battery on Cummings' Point now shields our troops perfectly, while the condition of Wagner is such as to protect the troops from all hazard. Still there are a few casualties, all of which occur in consequence of unnecessary exposure.

The batteries which are designed to throw the Green fire are now nearly complete, and recent experiments have shown that the fire may be safely and effectively used. Charleston is within fair range of the guns already placed, and which are in such numbers as to insure the destruction of the city when they are turned upon it. The event will not take place until other plans are complete and the navy is ready to co-operate with the army.

Leaves of absence have been recently granted to a considerable extent. Both officers and soldiers are favored in that respect. The time is generally limited to thirty days, in some cases twenty days.

VOTING IN RHODE ISLAND.

On Monday last a vote was taken in the State of Rhode Island on the following proposition of amendment to the Constitution of that State:

"Alena, residents of this State, who have enlisted or volunteered, or who may enlist or volunteer, in any of the regiments of this State, and who shall be honorably discharged therefrom, and who are now or may become naturalized citizens of the United States, shall be admitted to vote at all elections in this State on the same terms as native-born citizens of this State."

This amendment was rejected. Three fifths of all the votes were required to confirm it, and from present appearances it has not received two-fifths.

The Providence Journal (Republican) says that this result is owing, in a great degree, to the doubtful construction of the amendment, arising from the enactment of the militia law. It thinks that the amendment as originally intended might receive the vote of a constitutional majority, and suggests that the General Assembly should propose it again, carefully guarded against any double meaning.

On the other hand, the Providence Post (Democrat) ascribes its rejection to the hostility of the Republicans to naturalized citizens, and ridicules the suggestion that the words "enlist," "volunteer," and "honorably discharged" could be construed to apply to men in the militia service, who neither enlist, nor volunteer, nor are honorably discharged.

The amendment was proposed more than two years ago, and had received the approval of two State Legislatures, as the law requires. It was intended to reward the naturalized citizens who enlisted in the army, and to encourage further enlistments from that class of citizens. No opposition was publicly made to its adoption by the people until several days before the election, when it was too late for discussion or to bring out a full vote upon it. The vote was therefore quite small.

FROM NEW ORLEANS.

The steamer George Washington, from New Orleans on the 26th ultimo, arrived at New York on Saturday.

The New Orleans Journal of September 26th has nothing confirming the rebel report of Gen. Weitzel's defeat and death. We have the *Ensign* of the 26th, (the alleged authority for the statement,) and there is nothing of the kind in it.

The towboat Leviathan, which we heretofore mentioned as having been boarded on the 23d by a band of rebels from Mobile, is reported to be the latest escapee from the Mississippi river. It is stated that her rebel captors acted under a commission from S. R. Mallory, the rebel Secretary of the Navy. The officers and crew were specially enlisted with the understanding that they were to receive no pay, the inference being that they were to be rewarded by plunder. After taking possession of the Leviathan, they compelled her pilot to carry them out into the river. Two of the Leviathan's crew escaped and gave intelligence of her capture. Whereupon Lieut. Herriek, of the Pampero, took the armed steamer Crescent, which had just come down from New Orleans, and put to sea to recapture the Leviathan. The De Soto immediately joined in the pursuit, and the tug was soon discovered. Meantime the wind was blowing a heavy gale, but, by means of sail and steam, after a chase of over thirty-five miles, the De Soto recaptured her, securing the whole crew. The Leviathan would have been a valuable addition to the rebel navy. When boarded by the rebels she was lying at her wharf at Southwest Pass.

The New Orleans Times of the 26th says: "The *War Penn*, an English steamer, was captured somewhere in the vicinity of the Rio Grande and brought to this port last evening. She had on board, we are informed, one thousand bales of cotton."

The *Piney News* says: "The United States Marshal has seized, for condemnation and forfeiture to the United States as enemies' property, the contents of D. C. Johnson's